

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

U.S. BANKRUPTCY COURT X
NORTHERN DISTRICT OF IOWA

APR 10 1995

BARBARA A. EVERLY, CLERK

In re:

GERALDINE CARNES,

Chapter 7

Debtor.

Bankruptcy No. 94-31778XF

GERALDINE CARNES,

Plaintiff,

Adversary No. 94-3176XF

vs.

IOWA STUDENT LOAN LIQUIDITY
CORPORATION, et al.,

Defendants,

and

IOWA COLLEGE STUDENT AID COMMISSION,

Intervener.

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JUDGMENT

The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision having been reached without trial or hearing, pursuant to agreement of the parties,

IT IS ORDERED AND ADJUDGED: that the complaint of Geraldine Carnes against all defendants in any claims against Iowa College Student Aid Commission is dismissed.

IT IS FURTHER ORDERED AND ADJUDGED: that judgment in favor of intervener Iowa College Student Aid Commission be entered against Geraldine Carnes in the negotiated sum of \$8,100.00 without interest, but with a late payment penalty as described below. No execution shall issue upon this judgment during the period which the plaintiff faithfully pays directly to the intervener Iowa College Student Aid Commission the sum of \$56.25 per month, commencing on the 15th day of the first full month following date of this order (10-day grace period) and continuing thereafter on the 15th day of each month until the entire principal balance has been paid in full. A late payment penalty of \$8.50 shall be paid to the intervener for each payment made after the grace period. Proof of default by the plaintiff shall be made by the filing of an affidavit by the intervener herein as to the defaults of the plaintiff,

specifying them, and upon the filing of such an affidavit of default, execution may issue at any time, without further notice, upon the request of the intervener.



[Seal of the U.S. Bankruptcy Court]

Date of Issuance: April 10, 1995

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *Lami Seyleh*
Deputy Clerk

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

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IOWA STUDENT LOAN LIQUIDITY
CORPORATION, et al.,

Plaintiff,

and

IOWA COLLEGE STUDENT AID
COMMISSION,

Intervener.

ORDER ALLOWING DISMISSAL OF COMPLAINT AND
GRANTING COUNTERCLAIM JUDGMENT IN FAVOR OF INTERVENER


This matter had been set for scheduling conference on April 7, 1995. The court was informed of settlement discussions among the plaintiff, the defendants and the intervener pursuant to Fed.R.Civ.P. 26(f).

Counsel for plaintiff, Maynard C. Mohn, after conferring with counsel for intervener, James S. Wisby; counsel for defendant Department of Education, Larry Kudej; and counsel for defendant Iowa Lakes Community College, Harold W. White, now requests permission to dismiss plaintiff's complaint as to the defendants and the intervener. Counsel for the defendants and the intervener have no objection to the dismissal.

IT IS ORDERED that the complaint of plaintiff Geraldine Carnes is dismissed.

IT IS FURTHER ORDERED that judgment in favor of intervener Iowa College Student Aid Commission be entered against plaintiff Geraldine Carnes in the negotiated sum of \$8,100.00 without interest, but with a late payment penalty as described below. No execution shall issue upon this judgment during the period which the plaintiff faithfully pays directly to the intervener Iowa College Student Aid Commission the sum of \$56.25 per month, commencing on the 15th day of the first full month following date of this order (10-day grace period) and continuing thereafter on the 15th day of each month until the entire principal balance has been paid in full. A late payment penalty of \$8.50 shall be paid to the intervener for each payment made after the grace period. Proof of default by the plaintiff shall be made by the filing of an affidavit by the intervener herein as to the defaults of the plaintiff, specifying them, and upon the filing of such an affidavit of default, execution may issue at any time, without further notice, upon the request of the intervener. Judgment shall enter accordingly.

SO ORDERED THIS 10 DAY OF APRIL 1995.



William L. Edmonds, Chief Bankruptcy Judge

I certify that on 4-10-95 I mailed a copy of this order and a judgment by U.S. mail to: USAttorney, Maynard Mohn, James Wisby, Harold White and USTrustee. *JS*